



The Commonwealth of Massachusetts

Department of State Police

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Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

June 7, 2013

Mr. George LeVines
MuckRock News
DEPT MR 5162
PO Box 55819
Boston, MA 02205-5819

RE: *Records Request*
State Police Use of Force Reports

Dear Mr. LeVines:

The Department of the State Police ("Department") has received your request seeking State Police Use of Force ("UOF") reports from the past ten (10) years. You have submitted your request pursuant to G. L. c. 66, §10, the Massachusetts Public Records Law.

Please be advised that the Department has identified, after a cursory search, approximately 923 reports responsive to your request. Please note that a UOF report may consist of several pages including but not limited to arrest reports, incident reports, the UOF report itself as well as approval and signature sheets. The Department estimates that the average report consists of between 5 - 10 pages each.

As you know, the Massachusetts Public Records Law mandates that a public agency, upon request, make public records available to requesting parties unless a specific exemption applies barring dissemination. In responding to a request, the Department may, pursuant to G.L. c. 66, §10 and 950 CMR 32.06, charge the requesting party for any and all costs associated with researching, segregating, and assembling the requested information. In addition to research costs, the Department may also charge \$.50 cents per copy when responding to a public records request.

In this particular instance, based upon this formula, the Department estimates, in good faith, that there are approximately 4615 pages of reports to copy and review based upon the lower average page amount. The Department estimates, further, that each it will expend

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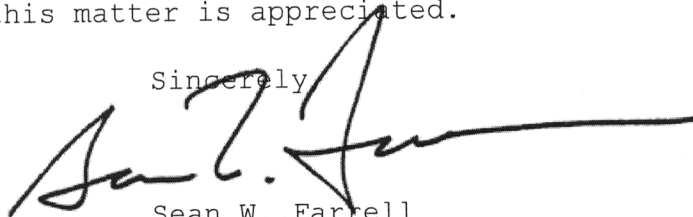
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approximately 30-60 seconds of time reviewing each page. Regardless, the Department, in good faith, will assess its costs based upon only fifteen (15) hours of time assembling and reviewing each report to determine what, if any, information is not subject to public release. For this time, the Department will assess a \$27.35 fee which is based upon the hourly rate of the lowest paid employee(s) capable of performing these tasks. Please note that the Department has determined that the names and identity of any defendants and/or reporting officers are not subject to release pursuant to G.L. c. 4, §7, cl. 26(f) (the investigative exemption).

Therefore upon receipt of a check made payable to the "Commonwealth of Massachusetts" in the amount of \$2717.75, the Department will process your request.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sean W. Farrell", with a long horizontal flourish extending to the right.

Sean W. Farrell
Associate Chief Legal Counsel
Massachusetts State Police
(508) 820-2153

SWF/st